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Birch, Stewart, Kolasch & Birch, LLP

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JUL 23 2003

GROUP 1600

To: Examiner Ralph Gitomer
USPTO

From: Craig A. McRobbie

OFFICIAL

Fax: 703-308-4556

Date: July 23, 2003

Phone:

Pages: 4 (including cover sheet)

Your Ref.:

Our Ref.: 1817-0105P

Re: Serial No.: 09/750,348

CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution, or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If your receipt of this transmission is in error, please notify this firm immediately by collect call to (703) 205-8000, and send the original transmission to us by return mail at the address above.

Comments: Dear Examiner Gitomer,

Enclosed is a copy of the Notice of Appeal filed June 23, 2003 along with the date receipt postcard.

BSKB

MS AF
RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1651

PATENT
1817-0105P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: SHVETS et al. Conf.: 6900
Appl. No.: 09/750,348 Group: 1651
Filed: December 29, 2000 Examiner: Gitomer, Ralph
For: A BIOLOGICAL ASSAY METHOD

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 23, 2003

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated December 23, 2002 of the Primary Examiner finally rejecting claims 1, 3-18, 20-25 and 109.

☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$465.00 is required for the full period of the above-requested extension of time.

☐ An extension of _____ () month(s) for responding to the Final Rejection was previously requested and paid for on _____. Thus a fee of \$0.00 is required to obtain an additional _____ () month(s) for filing the Notice of Appeal.

Appl. No. 09/750,348

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☐ Large entity - \$320.00

☒ Small Entity - \$160.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$625.00.

Payment of the above TOTAL FEE is being made in the following manner:

☒ Check(s) in the amount of \$625.00 is/are enclosed.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #42,874
for Joseph A. Kolasch, #22,463

JAK/CAM/gh
1817-0105P

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(Rev. 04/30/03)

Papers Filed herewith on: June 23, 2003 19
 DOCKET NO.: 1817-0105P
 ATTY.: JAR/cam
 APPLICANT(S): Shuets et al.
 USSN: 09/159,348 FILED: 12-29-00
 PAT NO.: _____

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☐ Completion of Filing Requirements, PCT/DO/EO/905
 or PTO-1533 and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment: _____
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Disc. Stmt. PTO-1449(s) _____ doc(s)
☒ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
 FEES: \$1025.00 CR# 0005277
☐ Letter: _____
☐ Other: _____

Receipt is hereby acknowledged of the papers filed as
 indicated in connection with the above identified case.
 COMMISSIONER OF PATENTS AND TRADEMARKS
 Due Date: 6-23-03
 Handcarry: _____

DOCKET NO. 1817-0105P

*** RX REPORT ***

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